

# **WISCONSIN LEGISLATIVE COUNCIL STAFF**

## ***RULES CLEARINGHOUSE***

**Ronald Sklansky**  
Director  
(608) 266-1946

**Richard Sweet**  
Assistant Director  
(608) 266-2982



**David J. Stute, Director**  
Legislative Council Staff  
(608) 266-1304

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

## **CLEARINGHOUSE RULE 98-112**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### **2. Form, Style and Placement in Administrative Code**

- a. In s. PI 35.03 (2) (c), the subdivision number should be followed by a period.
- b. In ss. PI 35.03 (2) (e) and 35.05 (3) (b), only one “PI” is needed in the enumeration of rules. For example, in s. PI 35.03 (2) (e), “ss. PI 35.04, 35.045 and 35.046” should replace “ss. PI 35.04, PI 35.045 and PI 35.046.”
- c. In several parts of s. PI 35.04, “A” or “a” should replace “The” or “the.”
- d. In s. PI 35.04 (5) (a) 1., a period should replace “, or”.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

In s. PI 35.045 (4) (a) 1. a., “this subd. 1. a.” should replace “this subparagraph.” Similar changes should be made in subd. 1. b. and c. [See s. 1.07 (2), Manual.]

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

- a. In s. PI 35.01, it appears that in the second sentence, specific reference should be made to the 15% limit contained in s. 119.23 (2) (b), Stats., or the reference should be to the “enrollment limits” in s. 119.23 (2) (b), Stats. The reference to the “membership” is unclear.

b. In s. PI 35.02 (1), “notwithstanding” should be one word.

c. In s. PI 35.04 (5) (a), the intended meaning is not clear. For example, how is a student to be counted if the student attends one day before the date specified and one day after, but enrolls in a private school that is not participating in the private school choice program? This section should be reviewed to assure that it adequately addresses all possible circumstances.

d. Under s. PI 35.045 (1), it is not clear how a school would proceed if it is in its initial year of operation. Would the department accept estimated figures in lieu of prior year data? This should be clarified.

e. In s. PI 35.045 (1) (e) 3., is there a need to specify the time in which a refund amount is paid to the department?

f. Under the cost accounting provisions in s. PI 35.045 (3) (a), is it assumed that the auditor will indicate on the report the option chosen to allocate individual costs? Also, are schools required to adhere to those options in subsequent years or can they opt for a different basis?